

**Town of La Pointe Zoning  
Town Plan Commission Regular Monthly Meeting Minutes  
February 16, 2011**

**Town Plan Commission (TPC) Members Present:** Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen, Carey Baxter, Greg Thury, Ron Madich, Suellen Soucek (7).

**Town Plan Commission Members Absent:** none.

**Public Present:** Mike Starck, Mike Dalzell (2).

**Town Staff Members Present:** Jennifer Croonborg-Murphy, ZA, Margaretta Kusch, ZCA (2).

**I. Call to Order/Roll Call**

Chair Pallas called the meeting to order at 4:30 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

**II. Public Comment**

M. Starck suggests that the Town Plan Commission change their by-laws to have New Business precede Old Business on agendas.

**III. Approval of Previous Meeting Minutes**

**a. Town Plan Commission Special Monthly Meeting, February 2, 2011**

C. Brummer moves to approve the Town Plan Commission Special Monthly Meeting minutes of February 2, 2011 as submitted. G. Thury seconds. All in favor, 7 aye. Motion Carries.

**b. Town Plan Commission Special Meeting, February 10, 2011**

On page 2, number 12, delete repeat of "*at night.*"

G. Thury moves to approve the Town Plan Commission Special Meeting minutes of February 10, 2011 as amended. S. Soucek seconds. All in favor, 6 aye, 1 abstain (Chair Pallas). Motion Carries.

**IV. Zoning Administrator's Report**

On file.

Chair Pallas makes a motion to move to New Business, specifically item b. G. Thury seconds. All in favor, 7 aye. Motion Carries.

**V. Consideration and/or Action of Permit Applications**

- **Greg Nelson/Cheryl Allen RE: Division of LP# 014-00195-0300 @ 631 Middle Rd. from one parcel to three parcels**

No survey received yet.

- **Town of La Pointe Conditional Use Permit for campground improvements/expansion @ Big Bay Town Park**

The Zoning Administrator reports that she went to the CAPP committee meeting on February 15, and they made a recommendation to the Town Board that they didn't want as big a development as is planned, and that they want the Conditional Use Permit withdrawn so that they can have more time to

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review it, and to have time to incorporate it into the Big Bay Town Park Master Plan so *that* can be incorporated into the Comprehensive Plan.

If the Town Board accepts the CAPP Committee's recommendation and withdraws the application, then the Public Hearing that the Town Plan Commission is going to schedule will be cancelled. If not, then the CAPP Committee will give their recommendation to the Town Plan Commission regarding the matter.

Chair Pallas states that any Public Hearings and decision-making regarding this Conditional Use Permit will be run by C. Brummer, as he (Chair Pallas) is a neighboring property owner of the Town Park.

1. **Review application for completeness**

The Town Plan Commission is in consensus that the application is complete.

2. **Possibly schedule Public Hearing**

A Public Hearing is scheduled for Tuesday, March 15, 2011, at 5:00 pm.

## VI. Old Business

### **Zoning Ordinance Revision Project**

**Discuss and possibly make changes to draft Zoning Ordinance Sections 1-16 and Zoning Map, dated 10/6/2010 in consideration of public comment received at December 1 and December 8 Public Hearings.**

- In 6.1.G.2.c, change "*may*" to "*shall*."
- In 6.1.G.5, delete final sentence.
- In 6.2.B.7, insert "*that*" in between "*It shall be arguably presumed*" and "*this Section can be complied with immediately*."
- In 6.4.C, change text from "*A Home Business is an authorized use with a permit issued by the Zoning Administrator upon approval by the Town Plan Commission in all districts specified in Section 3*" to "*A Home Business is an authorized use with a permit issued by the Zoning Administrator in districts specified in Section 3*."
- In 6.4.C.6, change "*nor shall it include any*" to "*nor shall they include any*."
- In 6.4.C.7, change "*vegetative screened*" to "*vegetative screening*."

## VII. New Business

- a. **Winkler, Linda: Zoning Ordinance interpretation RE: project beginning without permits @ LP# 014-00210-0200, Big Arn's Road.**

The Zoning Administrator explains that they're contesting the decision that this is the beginning of a driveway that she's planning to build and the \$50 late fee for land disturbing activity. Linda Winkler said she had Gary Krubsac do earthwork where a driveway would eventually be; Mr. Krubsac said they didn't know where the driveway would be. He took the bank away to use the dirt for the road, in a place where the driveway will be.

Chair Pallas states that his opinion is that Big Arn's Road is a long driveway, and so this is a driveway extension.

The Town Plan Commission agree that the Zoning Administrator made the proper decision, and that Linda Winkler needs a permit and needs to pay the late fee.

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The Zoning Administrator will send another letter saying that the Town Plan Commission agreed with her decision, and they can appeal to the Board of Appeals if they want.

Chair Pallas makes a motion to move back to item V. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

**b. Hoffman, Wolfgang RE: complaint against Dalzell, regarding livestock in S-1 Zoning District @ LP# 014-000031-0400 and LP# 014-00031-0500, E3078 Big Bay Rd.**

The Zoning Administrator states that Mr. Hoffman called today to say that he has nothing new to say about the complaint.

Mike Dalzell submits a letter for the record to the Town Plan Commission. This letter is attached to these minutes. He states that the dog that had been biting people (the main issue in the complaint) has been sent to a new home off-island and is no longer an issue. Regarding the livestock, the Dalzells have a herd of sheep that they graze on their property. The property is partially in the S-1 District and partially in the W-1 District. He states that when they moved to the island, someone told them that their property had “always been a farm” and that it wouldn’t be any problem to have livestock there. He also points out that sustainable agricultural practices are encouraged in the Comprehensive Plan..

The Zoning Administrator states that livestock are a permitted use in the W-1 district, but are not permitted in the S-1 District. She spoke to Ashland County, and they wouldn’t have a problem with livestock in the S-1 District, as it’s a permitted use at the County level.

The Town Plan Commission tell Mr. Dalzell that he has two immediate options. One would be to restrict the grazing of their sheep to only that portion of their property that is W-1. The other would be to apply for a Conditional Use Permit to be able to graze the sheep in the S-1 portion of their land as well.

Chair Pallas moves that if the Dalzells want to continue the livestock operation that they have right now, if it stays in the W-1 Zone, where it’s a permitted use they don’t need a Conditional Use Permit. But if they bring it into the S-1, then they’re going to need to apply for a Conditional Use Permit. G. Thury seconds. All in favor, 7 aye. Motion Carries.

Chair Pallas makes a motion to move back to item VII.a, New Business. G. Thury seconds. All in favor, 7 aye. Motion Carries.

**VIII. Future Agenda Items**

**IX. Schedule Future Meetings**

- Town Plan Commission Special Meeting to be held on Thursday, February 10, 2011 at 4:30 pm.
- Town Plan Commission Public Hearing regarding the Big Bay State Park Conditional Use Permit to be held March 15, 2011 at 5:00 pm.

**X. Adjournment**

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 7 aye. Motion Carries. Meeting ends at 6:05 pm.

**Town Plan Commission minutes are respectfully submitted by Margaretta Kusch, ZCA on Friday, February 18, 2011.**

**Town Plan Commission minutes are approved as amended by Margaretta Kusch, ZCA on Wednesday, March 02, 2011.**

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